

REMARKS/ARGUMENTS

The Examiner rejected claims 1, 2, 7, 21 and 25 under §102(e) as anticipated by Olson (6,611,769), and claims 3-6, 8-20, 22-24 as obvious in light of Olson in view of Morgenthale (5,831,176). In response the Applicants have amended claim 1 to include the limitations of dependant claim 10.

I. THE REJECTION BASED ON OLSON IN LIGHT OF MORGENTHALE

Each of claims 1, as amended, and claim 13 recite the limitation of pseudo pulses. In the case of claim 1, an interface microprocessor generates pseudo pulses based on electric pulses from sensors, the pseudo pulses being timed in a weighted manner to distribute pseudo pulses at predetermined intervals. Claim 13 recites generating a plurality of pseudo pulses in response to electrical pulses that are received from magnetically-sensitive sensors, the pseudo pulses being interspersed with the electrical pulses.

Without intending to read limitations from the specification into the claims, it may be educational to refer to the description in the specification.

At paragraph 20 of the specification, it is explained that the sensors should not be placed too close together in terms of angular spacing. At paragraph 22, it is explained that in order to obtain instantaneous or real time fluid flow rate measurements, higher resolution is required. This presents a dilemma, a pulse prediction algorithm generates pseudo pulses (paragraph 23 and thereafter), improving the resolution of the meter.

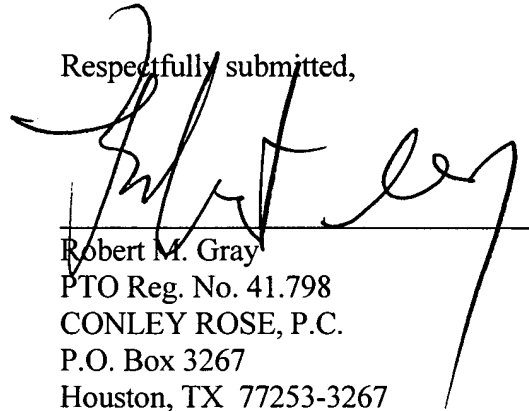
The Applicants respectfully submit that the Examiner has failed to carry his burden to show that claim 1 as amended (previous claim 10) and original claim 13 are not patentable. Under 35 U.S.C. §§ 102 and 103, the burden lies on the Examiner to demonstrate that any given claim is not patentable.

However, no reference or mention is made in the Office Action to a teaching in the prior art of pseudo pulses as recited in claim 1 (previous claim 10) or claim 13. Unless the Examiner carries his burden to show that pseudo pulses as claimed in each of claim 1 and 13 is not patentable, these claims must be allowed. The Applicants humbly submit that the Examiner did not carry this burden. The Applicants respectfully submit that all the claims are patentable.

II. CONCLUSION

The Applicants respectfully request allowance of all the pending claims. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,



Robert M. Gray
PTO Reg. No. 41.798
CONLEY ROSE, P.C.
P.O. Box 3267
Houston, TX 77253-3267
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS